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9 Attorneys for Defendant  
10 THE PROCTER & GAMBLE COMPANY

11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 RYAN EDMUNDSON, On Behalf of  
14 Himself, All Others Similarly Situated  
15 and the General Public,

16 Plaintiff,

17 vs.

18 THE PROCTER & GAMBLE  
19 COMPANY,

20 Defendant.

21 Case No. 3:10 cv 2256 H (NLS)

22 [Assigned for all purposes to Honorable  
23 Marilyn L. Huff]

24 DECLARATION OF DANIEL J.  
25 STEPHENSON IN SUPPORT OF THE  
26 PROCTER & GAMBLE COMPANY'S  
27 MOTION TO DISMISS PLAINTIFF'S  
28 COMPLAINT PURSUANT TO FRCP  
12(B)(6) AND THE PROCTER &  
GAMBLE COMPANY'S REQUEST  
FOR JUDICIAL NOTICE

29 [Filed Concurrently With  
30 (1) Defendant The Procter & Gamble  
31 Company's Request for Judicial Notice  
32 in Support of its Motion to Dismiss  
33 Complaint;

34 (2) Defendant The Procter & Gamble  
35 Company's Notice of Motion and  
36 Motion to Dismiss Complaint;  
37 Memorandum of Points and Authorities  
38 in Support;

39 (3) [Proposed] Order Dismissing  
40 Complaint;

41 (4) [Proposed] Order Granting The  
42 Procter & Gamble Company's Request  
43 for Judicial Notice

44 Hearing Date: February 14, 2011  
45 Time: 10:30 a.m.  
46 Location: Courtroom 13

**DECLARATION OF DANIEL J. STEPHENSON**

I, Daniel J. Stephenson, declare as follows:

1. I am an attorney duly admitted to practice before the courts of the State of California and the United States District Court for the Southern District of California. I am a member of the law firm of Dykema Gossett, LLP, counsel of record for Defendant The Procter & Gamble Company. I am also admitted in the State of Michigan, and was counsel of record for the Defendant in *Sands v. The Procter & Gamble co.*, Eastern District of Michigan Civil Action Number 08-cv-15170

2. I have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would testify competently to each fact. I submit this declaration in support of Defendant The Procter & Gamble Company's Notice of Motion and Motion to Dismiss Complaint; Memorandum of Points and Authorities; and Request for Judicial Notice in Support;

3. Attached hereto as Exhibit 1 is a true and correct copy of Packaging for Fusion and Fusion Power Blade Cartridges.

4. Attached hereto as Exhibit 2 is a true and correct copy of U. S. Patent No. 5,985,459, November 16, 1999.

5. Attached hereto as Exhibit 3 is a true and correct copy of the March 29, 2010 Order Adopting Report and Recommendation, Docket #28 in *Sands v. The Procter & Gamble co.*, Eastern District of Michigan Civil Action Number 08-cv-15170.

6. Attached hereto as Exhibit 6 is a true and correct copy of a July 7, 2010, Case Management Order, Docket #40, in *Sands v. The Procter & Gamble Co.*, Eastern District of Michigan Civil Action Number 08-cv-15170.

1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.

3 Executed this 10<sup>th</sup> day of January, 2011, at Los Angeles, California.

4  
5 */s/ Daniel J. Stephenson*  
Daniel J. Stephenson

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